

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                |   |                     |
|----------------|---|---------------------|
| -----X         |   |                     |
|                | : |                     |
| HAROLD FORD,   | : |                     |
|                | : | 19 Civ. 11705 (LGS) |
| Plaintiff      | : |                     |
|                | : | <u>ORDER</u>        |
| -against-      | : |                     |
|                | : |                     |
| WSP USA, INC., | : |                     |
|                | : |                     |
| Defendant.     | : |                     |
| -----X         |   |                     |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on September 25, 2020, the parties filed a joint status letter pursuant to the Civil Case Management Plan and Scheduling Order (“Case Management Plan”) at Docket No. 36 (Dkt. No. 43);

WHEREAS, the September 25, 2020, joint status letter indicates that there are ongoing discovery disputes between the parties (*see* Dkt. No. 43);

WHEREAS, the September 25, 2020, joint status letter indicates that Plaintiff anticipates filing a pre-motion letter regarding conditional certification of a Fair Labor Standards Act (“FLSA”) collective (*see* Dkt. No. 43);

WHEREAS, pursuant to the Case Management Plan, the parties’ deadline for the completion of all fact discovery was September 11, 2020, (Dkt. No. 36);

WHEREAS, no timely extension of the time for the completion of all fact discovery was requested; it is hereby

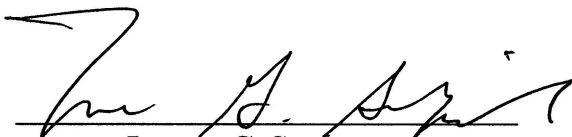
**ORDERED**, that no additional fact discovery will be permitted and the parties are reminded of the October 26, 2020, deadline for the completion of all expert discovery, set forth in the Case Management Plan (Dkt. No. 36). It is further



**ORDERED** that by **October 5, 2020**, given the lenient standard for conditional certification, *see Varghese v. JP Morgan Chase & Co.*, Nos. 14 Civ. 1718, 15 Civ. 3023, 2016 WL 4718413, at \*5 (S.D.N.Y. Sept. 9, 2016) (“Plaintiff’s burden is minimal because the determination that the parties are similarly situated is merely a preliminary one . . . .” (quoting *Lee v. ABC Carpet & Home*, 236 F.R.D. 193, 197 (S.D.N.Y. 2006))), the parties are directed to meet and confer regarding the possibility of stipulating to conditional certification and the form of notice, reserving all of Defendant’s rights to object to any final certification under the more rigorous standard that applies at that stage. It is further

**ORDERED** that Plaintiff shall file any pre-motion letter in anticipation of a motion for conditional certification by **October 5, 2020**, and Defendant shall file any response letter by **October 8, 2020**. A conference will be held on **October 15, 2020, at 10:40 a.m.** to discuss Plaintiff’s proposed motion. The conference will be cancelled if no pre-motion letter is filed.

Dated: September 30, 2020  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**